

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-04606 SVW (FMOx)	Date	June 20, 2011
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Title	Signet Domain, LLC v. Leticia Valladares, et al.
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[JS-6]

Present: The Honorable	STEPHEN V. WILSON, U.S. DISTRICT JUDGE
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Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: IN CHAMBERS ORDER Remanding Case to Superior Court of California,
County of Los Angeles

Plaintiff filed an Unlawful Detainer action against Defendant in the Los Angeles County Superior Court. Defendant removed the case to this Court on May 27, 2011.

"This Court has the duty to consider subject matter jurisdiction sua sponte in every case, whether the issue is raised by the parties or not." See Spencer Enterprises, Inc. v. United States, 345 F.3d 683, 687 (9th Cir. 2003).

Defendant's removal filing was made on the basis of federal question jurisdiction, 28 U.S.C. § 1331. However, Unlawful Detainer is a state law claim. See Cal. C. C. P. § 1161; Homesales, Inc. v. Frierson, 2009 WL 365663, at *2 n.8 (C.D. Cal. Feb. 11, 2009) ("An unlawful detainer action is a true state law claim."). Defendant's attempt to base federal question jurisdiction on her purported defenses and counterclaims has no basis in law. (Pet. for Rem. at 2). It is well established that "federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987).

Further, Defendant cannot remove the case pursuant to diversity jurisdiction under 28 U.S.C. § 1332. The property in question is located in California, and Defendant's removal papers do not indicate her citizenship as being of any state other than California. Diversity removal can only be effected by non-resident defendants. 28 U.S.C. § 1441(b).

Accordingly, the Court cannot exercise jurisdiction over this action. The Court ORDERS that the action be REMANDED to state court pursuant to 28 U.S.C. § 1447(c).

Initials of Preparer

PMC